

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**DONNA RICH and MARK RICH, individually and as
wife and husband,**

Plaintiffs,

-against-

TEE BAR CORP. and ROCKING HORSE RANCH CORP.,

Defendants.

**VERIFIED
COMPLAINT**

Civil Action No.:

1:10-CV-1371
(LEK/DRH)

The plaintiffs, Donna Rich and Mark Rich, individually and as wife and husband, by and through their attorneys, Reh fuss, Liguori & Associates, P.C., as and for a Verified Complaint against Tee Bar Corp. and Rocking Horse Ranch Corp., set forth as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages for personal injury to plaintiffs. Plaintiffs are citizens of the State of Connecticut and defendants are incorporated under the laws of the State of New York, having their principal place of business in a state other than Connecticut. The matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. §1331.

FACTS

2. Plaintiffs, Donna Rich and Mark Rich, at all times relevant, have and still do reside in the State of Connecticut.

3. Upon information and belief, defendant, Tee Bar Corp., was and is a domestic company duly organized and existing under and by the virtue of the Laws of the State of New York, with a principal place of business located at 600 Route 44 & 55, Highland, New York 12528.

4. Upon information and belief, defendant, Rocking Horse Ranch Corp., was and is a domestic corporation duly organized and existing under and by the virtue of the Laws of the State of New York, with a principal place of business located at 600 Route 44 & 55, Highland, New York 12528.

5. Upon information and belief, defendants were and still are business entities doing business in the State of New York.

6. Upon information and belief, at all times hereinafter mentioned, defendant, Tee Bar Corp., on February 6, 2009, owned and/or operated and/or controlled the premises known as the Rocking Horse Ranch Resort in the Hamlet of Highland, County of Ulster, State of New York.

7. Upon information and belief, at all times hereinafter mentioned, defendant Rocking Horse Ranch Corp., on February 6, 2009, owned and/or operated and/or controlled the premises known as the Rocking Horse Ranch Resort in the Hamlet of Highland, County of Ulster, State of New York.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST THE DEFENDANTS,
PLAINTIFFS ALLEGE AS FOLLOWS:

8. The plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs "1" through "7", as if said paragraphs were set forth herein in their entirety.

9. On February 6, 2009, plaintiff, Donna Rich, was a patron at the Rocking Horse Ranch Resort in the Hamlet of Highland, County of Ulster, State of New York.

10. On February 6, 2009, plaintiff Donna Rich, while lawfully on defendants' premises, was forcibly pushed by the defendants' agents, servants and/or employees down the defendants' tubing hill facility in such a negligent and reckless fashion so as to collide with a solid retaining barrier as well as other patrons and sustaining traumatic injury to her head and body.

11. That the conduct of the defendants' agents, servants and/or employees, as alleged, was a departure from any and all reasonable standards of care and constituted an enhanced and increased risk to the activity engaged in by the plaintiff.

12. That plaintiff, Donna Rich, was injured solely as a result of the defendants' negligence and not due to any negligence, acts or omissions of the plaintiffs.

13. As a result of the negligence as aforesaid, the plaintiff, Donna Rich, has experienced significant pain and suffering and has been unable to attend her normal activities and has been informed that injuries are relatively certain to be permanent in nature.

14. As a result of the aforesaid, the plaintiff, Donna Rich, has been damaged in the amount of \$3,000,000.00.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS,
PLAINTIFFS ALLEGE AS FOLLOWS:**

15. The plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs "1" through "14", as if said paragraphs were set forth herein in their entirety.

16. Plaintiff, Mark Rich, sustained derivative injuries, including loss of services and consortium of his wife, Donna Rich, as well as substantial time and expenses in the care, treatment and attendance of his wife.

17. Plaintiff Mark Rich's injuries are the sole result of the negligence of defendants and not due to any negligence, acts or omissions of the plaintiffs.

18. As a result, plaintiff, Mark Rich, was damaged in the amount of \$500,000.00.

19. Plaintiffs demand trial by jury.

WHEREFORE, the plaintiffs demand judgment against the defendants on the First Cause of Action in the amount of \$3,000,000.00 and the Second Cause of Action in the amount of \$500,000.00, together with the costs and disbursements of this action and such other and further relief as to this Court may seem just and proper.

DATED: November 2, 2010



JOHN W. LIGUORI, ESQ.
NDNY Bar Roll No.: 507379
REHFUSS, LIGUORI & ASSOCIATES, P.C.
Attorney for Plaintiffs
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TO: TEE BAR CORP.
600 ROUTE 44 & 55
HIGHLAND, NEW YORK 12528

ROCKING HORSE RANCH CORP.
600 ROUTE 44 & 55
HIGHLAND, NEW YORK 12528

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**DONNA RICH and MARK RICH, individually and as
wife and husband,**

Plaintiffs,

VERIFICATION

-against-

Civil Action No.:

TEE BAR CORP. and ROCKING HORSE RANCH CORP.,

Defendants.

STATE OF CONNECTICUT)

COUNTY OF Hartford)

ss.: Wethersfield

Donna Rich and Mark Rich, individually and as wife and husband, being duly sworn, depose and say: We are the plaintiffs in the action herein; We have read the annexed Verified Complaint and know the contents thereof and the same is true to our knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters we believe them to be true.



Donna Rich

Subscribed and sworn to before me this
6th day of November, 2010.



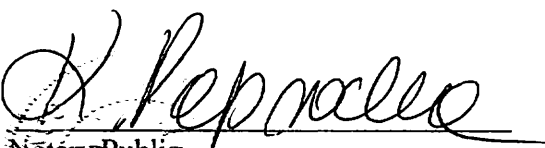
Notary Public

KATARZYNA PAPROCKA, Notary Public
My Commission Expires September 30, 2012



Mark Rich

Subscribed and sworn to before me this
6th day of November, 2010.



Notary Public

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KATARZYNA PAPROCKA, Notary Public
My Commission Expires September 30, 2012